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C O N F I D E N T I A L SECTION 01 OF 03 KUWAIT 000644

SIPDIS

NEA/ARP, NEA/RA, DHS FOR SECRETARY NAPOLITANO

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SUBJECT: SCENESETTER FOR SECRETARY NAPOLITANO'S VISIT TO
KUWAIT

Classified By: A/DCM Pete O'Donohue for reasons 1.4 b and d

¶1. (C) Madame Secretary: My staff and I look forward to welcoming you to Kuwait. While we understand that your schedule has been centered around a U.S. Coast Guard event, we have also requested a meeting for you with the Amir, Shaykh Sabah Ahmed Al Sabah, or his designated representative. When your predecessor visited in March 2008, he reviewed with the GOK the state of play on several security-related issues, including Guantanamo detainees, Critical Infrastructure Information Sharing, counter-terrorism efforts, and Iran and Iraq. Your interlocutors may raise with you concerns over perceived delays in obtaining visas and what they consider unnecessarily harsh treatment of Kuwaitis at U.S. ports of entry, given our strong bilateral relationship. Your visit comes at an historic moment in Kuwait's democratic evolution; four women, for the first time in Kuwait's history, were elected to the National Assembly in May elections and your acknowledgement of this important step will be appreciated by your hosts. At the same time, socio-economic development remains stymied by continuing friction between the government and fractious tribal and Islamist elements in the parliament. Kuwait Domestic Politics

¶2. (C) Kuwaitis will appreciate your positive acknowledgement of the fact that their May 16 parliamentary election elevated -- for the first time -- four highly qualified women candidates to office; they were disappointed that this signal event failed to obtain a mention in the President's otherwise well-regarded Cairo speech. Notwithstanding this important achievement, Kuwait's political system remains mired in tensions that reflect the emergence of tribalists/Islamists as an important political class. This group lost no time in interpellating or "grilling" Interior Minister Shaykh Jaber Khalid Al Sabah, who hails from the ruling Al Sabah family, and have threatened to grill Prime Minister Shaykh Nasser Al Sabah as well; a no-confidence vote will be conducted July 1. Similar efforts led to the collapse of the government and the dissolution of parliament in March this year. Parliamentary gridlock renders difficult the passage of controversial items such as a comprehensive counter-terrorism law.

GTMO Detainees

¶3. (C) Obtaining the release and return of four remaining Kuwaiti GTMO detainees is a priority for the GOK, reflecting strong public pressure. Galvanized by the President's commitment to close GTMO by the end of the year, the GOK has put considerable effort into developing a rehabilitation center for religious extremists, which closely follows the Saudi model. I toured the GOK facility on June 18 and found a rather impressive physical plant (due for completion within two months) backed by a program of psychological and religious counseling aimed at restoring detainees to a state of "normalcy" within six months. The GOK maintains that it has the legal authority to hold the detainees for six months

prior to sentencing, clearly anticipating that some or all of the detainees will be rehabilitated within this period. The GOK also claims confidence in its ability to monitor the detainees effectively post-release to ensure they do not resume extremist activities. A DOD team charged with defending one of the GTMO detainees visited the facility on June 8 and later gave a press conference in which they asserted the innocence of their client. The GOK will respond angrily and publicly if the U.S. opts to release Kuwaiti detainees to a third country, given their understanding (apparently from their ambassador in Washington) that a Saudi-type rehab center was the "quid pro quo" for their return to Kuwait.

Critical Energy Infrastructure

14. (C) There are ongoing intermittent discussions between the USG and the GoK on ways to enhance cooperation in the area of protecting Kuwait's critical energy infrastructure. The USG has sent two assessment teams to Kuwait to look at areas where Kuwait can improve protection of the Shuaiba Industrial area (Kuwait's main oil export complex). According to the Kuwaitis, they have already addressed many of the concerns highlighted. The GoK has also created a Higher Coordination Committee to better coordinate the efforts of all of the players involved in oil field operations and security. The GoK has not yet signed an MOU on CEIP cooperation with the USG. Currently, the hang-up is over USG revisions to the original draft MOU that would require the GoK to pay expenses for USG assistance. Although the Kuwaitis are willing to pay expenses on a reciprocal basis, they are not willing or able to pay USG salaries (citing certain parliamentary opposition), nor are they

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interested in pre-payment. Currently, the ball is in our court to provide the GoK with an answer as to whether their modifications to the MOU (addressing these concerns) are acceptable.

CT Cooperation

15. (C) Kuwait remains deficient in developing and implementing a CT strategy, in particular on combating terrorism financiers and facilitators, although it has taken significant steps to detain or support the detention of known facilitators in the past six months. Weak legislation remains an impediment to further progress. On March 10, 2002, the Amir signed Law No. 35/2002, which criminalized money laundering. This law does not, however, specifically cite terrorist financing as a crime. In January 2008, the United Nations Security Council designated three Kuwaiti terrorist facilitators, Jaber Al-Jalahmah, Mubarak Mishkhis Sanad Al-Bathali and Hamid Al-Ali. The U.S. domestically designated these individuals under E.O. 13224 on December 7, 2006. Kuwait subsequently froze the assets of the three. In 2008, Kuwait approached the UN 1267 Committee for permission to unblock the salaries of the three on humanitarian grounds. Reportedly, Al-Bathali's daughter is also blocked from opening an account.

16. (C) The USG has engaged the Kuwaiti government for over four years on designation of the Kuwait-based Islamic NGO Revival of Islamic Heritage Society (RIHS), including its overseas branch offices, under EO 13224 and UNSCR 1267. The Government of Kuwait cooperated with the USG's investigation of the RIHS after the September 11, 2001 attacks, particularly the investigations into the UNSCR 1267 branches in Pakistan and Afghanistan. However since that time, bilateral cooperation on RIHS has been extremely limited. On June 13, 2008 the U.S. Treasury designated RIHS under E.O. 13224 as a charity that provides financial and material support to Al-Qaeda and its affiliates and simultaneously pursued a UNSCR 1267 designation. The GOK continues to oppose designation of RIHS, citing the need for "actionable evidence," as opposed to "suggestive intelligence." Absent such evidence, the GoK is unlikely to move on RIHS, and the dispute has complicated other CT cooperation efforts.

Kuwaiti Concerns Over U.S. Entry Requirements

17. (C) Although more than 96 percent of all Kuwaiti applicants are found eligible for visa issuance, Kuwaitis frequently express frustration over the difficulties encountered in seeking to enter the U.S. These complaints tend to fall into two categories: the long wait often required to receive a visa and NSEERS requirements. Currently, about 30 percent of male Kuwaiti visa applicants require a Security Advisory Opinion because of a possible match to a name in the Consular Lookout and Support System (CLASS) database. Database names are usually vague with no identifying information such as birth date or place of birth, explaining the high percentage. Clearing hits requires a wait that can take from a few weeks to a year, averaging about four months. Most frustrating to Kuwaitis is the fact that we are unable to provide them any information on how long the wait will be. About 20 percent of Kuwaiti men are subject to NSEERS (special registration when entering and exiting the U.S.). The registration process upon arrival in the U.S. takes an average of two hours, causing many Kuwaitis to miss connecting flights and inconveniencing accompanying family members as the males navigate the process. Many Kuwaitis have complained of the difficulties in locating the special registration offices; some have complained they were assured by U.S. airport officials that the program had been discontinued and then are taken to secondary inspection when they return to the U.S. later because they have violated NSEERS rules.

Iraq/Iran

18. (C) Relations with Iraq is a continuing security preoccupation for the GOK. They may raise with you their concerns over what they view as Iraq's ongoing efforts to wriggle out of its Chapter VII obligations, insisting that they need continued UN backing until key bilateral issues are resolved. While there are several important bilateral issues outstanding -- including compensation, debt, and the return of missing persons and archives -- Kuwait is principally concerned with getting Iraq to acknowledge publicly and unequivocally its acceptance of the bilateral border recognized by UNSC 833. The U.S. is working with the UN to ensure that this issue is resolved in a way that protects Kuwait's interests while recognizing the new realities of a post-Saddam Iraq.

19. (C) The GOK is watching with concern post-election developments in Iran, but has avoided manifesting these

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concerns publicly. Overall, the Kuwaitis regard Iran as a real threat to their security and are equally leery of U.S. approaches that they perceive veer to either "appeasement" or "confrontation." They worry that overly-muscular diplomacy -- to say nothing of military action -- could heighten the danger to Kuwait's oil-based economy or provoke attacks on U.S. military facilities here. The GOK generally urges dialogue with Iran as a means to advance regional stability and also promotes close cooperation with the Russians and Europeans as a way to convince Iran to back off its nuclear ambitions.

Afghanistan/Pakistan

10. (C) The GOK is concerned about widening chaos in the Afghanistan/Pakistan region but these concerns have not caused it to open wide its purse. The GOK has made limited donations to humanitarian and infrastructural programs in both countries. Pledges of USD 49 million to Pakistan for earthquake relief have been held up by security concerns that have prevented GOK officials from traveling there to sign papers. The GOK provided Pakistan with about USD 7.8 million in humanitarian assistance last year through the Red Crescent.

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